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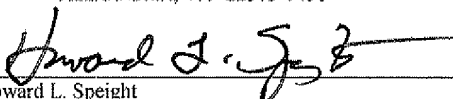
In re Application of: **Stephen Fife Sheldon**§
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§Group Art Unit: **2168**Serial No.: **10/800,493**Filing Date: **March 15, 2004**Examiner: **Sanders, Aaron J.**Title: **Simple Expression Modification
in a SQL Query**Attorney. Docket No.: **11466**

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 Commissioner for Patents
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 Howard L. Speight

DATE OF SUBMISSION: **APRIL 20, 2007**
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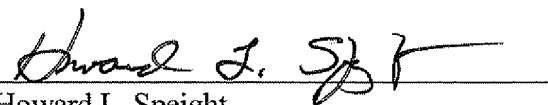
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,



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Date: April 20, 2007

Reasons for Review

Claims 1-42 are pending and were rejected in the Final Office Action mailed January 23, 2007 ("Final Office Action"). Applicant filed a Response to Final Office Action on March 23, 2007 ("Response"). An Advisory Action Before the Filing of an Appeal Brief was mailed on March 29, 2007 ("Advisory Action").

The Final Office Action objected to the title of the invention as not being descriptive. In the Response, Applicant agreed to the title suggested in the Final Office Action. The Advisory Action did not mention the title. Presumably, the title is no longer an issue.

The Final Office Action rejected claims 1-42 under 35 USC 102(e) as being anticipated by Paulley et al., United States Patent No. 6,665,664 ("Paulley").

In the Response, Applicant made three arguments.

1. First, Applicant argued that Paulley does not teach or suggest a method in which, if an expression has a form selected from the group consisting of "SE+0," "SE*1," and "SE/1," where SE is a sub-expression, the expression is reduced to SE, as required by independent claims 1, 15, and 29. See Response, pg. 2 at third full paragraph. In particular, while Applicant agreed that Paulley mentions sub-expressions, Applicant argued that the Final Office Action did not identify where Paulley even mentions sub-expressions of the type disclosed in the claims of the instant application, i.e., "SE+0," "SE*1," and "SE/1." The Advisory Action did not respond to this argument.

2. Second, Applicant responded to the Final Office Action's assertion that reducing expressions of the forms "SE+0," "SE*1," and "SE/1" to SE is taught when Paulley describes "simplif[ing] the expression by eliminating tautologies (statements that are always true)". Paulley, col. 13, lines 50-51. The Final Office Action argued that "'SE+0,' 'SE*1,' and 'SE/1,' are tautologies because 'SE+0,' 'SE*1,' and 'SE/1,' always equal 'SE', and therefore the statements, e.g. SE+0 = SE, are always true." The Advisory Action made essentially the same argument:

According to the instant claims, "SE+0," "SE*1," and "SE/1" are reduced to "SE". Said another way, "SE+0" equals "SE", "SE*1" equals "SE" and "SE/1" equals "SE". The statements are tautologies because "SE+0," "SE*1," and "SE/1" will always equal "SE" and therefore [are] always

true. That means that $(SE+0 = SE)$ will always evaluate to true, regardless of the value of "SE".

This logic is flawed in two respects. First, even if $(SE+0 = SE)$, $(SE*1 = SE)$, and $(SE/1 = SE)$ are tautologies, the claims of the instant application do not include such expressions. Therefore, that illustration of a tautology is not relevant and should be ignored. Second, using Paulley's definition of a tautology, i.e., "statements that are always true," which is also the definition adopted in the Final Office Action, reducing "SE+0," "SE*1," and "SE/1" to "SE" is not a tautology. For example, if SE evaluates to False, then all of those expressions ("SE+0," "SE*1," "SE/1," and "SE") would also evaluate to False, avoiding the Final Office Action's definition of tautology.

3. Third, Applicant responded to the Final Office Action's assertion that reducing expressions of the forms "SE+0," "SE*1," and "SE/1" to SE is taught when Paulley describes "[f]olding constant expressions when the expressions contain integers (e.g., $x=3+4$ is changed to $x=7$)". Paulley, col. 13, lines 54-55. In the Response, pg. 3, first full paragraph, Applicant argued as follows:

Further, reducing an expression that has a form selected from the group consisting of "SE+0," "SE*1," and "SE/1," where SE is a sub-expression, to SE is not the same thing as folding constant expressions when the expressions contain integers (e.g., $x=3+4$ being changed to $x=7$), as suggested in the Office Action. See, e.g., Office Action at pgs. 3 and 4. The Office Action may be arguing that Paulley teaches reducing expressions such as:

$$SE = 0$$

$$SE = 1$$

Those are not, however, the expressions included in claims 1, 15, and 29. The Advisory Action did not respond to this argument.

For these reasons, Applicant believes that independent claims 1, 15, and 29 are allowable over Paulley. The dependent claims all depend from one of independent claims 1, 15, and 29 and are allowable for the same reasons. Therefore, Applicant requests that the application be allowed on the existing claims.